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GINA CASTELLANO/MOLLIE BRACEWELL
Assistant United States Attorneys

Before: THE HONORABLE STEWART D. AARON
United States Magistrate Judge
Southern District of New York

UNITED STATES OF AMERICA,

- v. -

JAMES KELLY,
a/k/a "Ls,"

Defendant.

19 MAG . 46 12

SEALED
COMPLAINT

Violations of
21 U.S.C. §§ 812,
841(a)(1), and
841(b)(1)(C)

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

CHARLIE LITTLE, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

1. On or about December 3, 2018, in the Southern District of New York, JAMES KELLY, a/k/a "Ls", the defendant, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of cocaine base.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C).)

COUNT TWO

3. On or about December 18, 2018, in the Southern District of New York, JAMES KELLY, a/k/a "Ls", the defendant, intentionally and knowingly did distribute and possess with

intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

4. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of cocaine base.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C).)

COUNT THREE

5. On or about December 27, 2018, in the Southern District of New York, JAMES KELLY, a/k/a "Ls", the defendant, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

6. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C).)

COUNT FOUR

7. On or about January 3, 2019, in the Southern District of New York, JAMES KELLY, a/k/a "Ls", the defendant, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

8. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C).)

COUNT FIVE

9. On or about January 8, 2019, in the Southern District of New York, JAMES KELLY, a/k/a "Ls", the defendant, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

10. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of cocaine base.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C).)

The bases for my knowledge and the foregoing charges are, in part, as follows:

11. I am a Detective with the NYPD. I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents, and my examination of various reports, records and video recordings. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

12. Based upon my conversations with an undercover officer with the NYPD who is involved in this case (the "UC"), my review of video recordings made by the UC, my examination of reports and records prepared by law enforcement officers, and my own involvement in this investigation, I have learned, among other things, the following:

a. On or about December 3, 2018, the UC contacted JAMES KELLY, a/k/a "Ls," the defendant, on a phone number ending in 2545 (the "2545 Phone Number") regarding the purchase of crack cocaine from KELLY. Thereafter, the UC received a call from the 2545 Phone Number instructing the UC to meet in the vicinity of 2077 Southern Boulevard, in the Bronx, New York. The UC arrived by vehicle and KELLY approached the vehicle and opened the front passenger door. KELLY then handed the UC a clear plastic twist containing what the UC believed to be crack cocaine, and, in exchange, the UC handed KELLY \$350 in cash. Subsequent laboratory testing confirmed the substance inside the clear plastic twist contained cocaine base.

b. On or about December 18, 2018, the UC contacted KELLY on the 2545 Phone Number regarding the purchase of crack cocaine from KELLY. Thereafter, the UC arrived, by vehicle, at the vicinity of 1971 Marmion Avenue in the Bronx, New York and notified KELLY of his location. KELLY approached the UC's

vehicle and opened the front passenger door. KELLY then handed the UC a clear plastic twist containing what the UC believed to be crack cocaine, and, in exchange, the UC handed KELLY \$450 in cash. Subsequent laboratory testing confirmed the substance inside the clear plastic twist contained cocaine base.

c. On or about December 27, 2018, the UC contacted KELLY on the 2545 Phone Number regarding the purchase of crack cocaine from KELLY. Thereafter, the UC arrived, by vehicle, at the vicinity of 2050 Prospect Avenue in the Bronx, New York. KELLY then approached the UC's vehicle and, through the front passenger window, handed the UC a clear plastic twist containing what the UC believed to be crack cocaine. In exchange, the UC handed KELLY \$400 in cash. Subsequent laboratory testing confirmed the substance inside the clear plastic twist contained cocaine.

d. On or about January 3, 2019, the UC contacted KELLY on the 2545 Phone Number regarding the purchase of crack cocaine from KELLY. Thereafter, the UC arrived, by vehicle, at the vicinity of the northwest corner of Mapes Avenue and East 179th Street in the Bronx, New York. KELLY approached the UC's vehicle and, through the front passenger window, handed the UC a clear plastic twist containing what the UC believed to be crack cocaine. In exchange, the UC handed KELLY \$400 in cash. Subsequent laboratory testing confirmed the substance inside the clear plastic twist contained cocaine.

e. On or about January 8, 2019, the UC contacted KELLY on the 2545 Phone Number regarding the purchase of crack cocaine from KELLY. Thereafter, the UC arrived, by vehicle, at the vicinity of the southeast corner of East Tremont Avenue and Marmion Avenue in the Bronx, New York. KELLY approached the UC's vehicle and, through the front driver-side window, handed the UC a clear plastic twist containing what the UC believed to be crack cocaine. In exchange, the UC handed KELLY \$625 in cash. Subsequent laboratory testing confirmed the substance inside the clear plastic twist contained cocaine base.

13. In addition, based on my participation in the investigation, my conversations with the UC, and my review of reports prepared by other law enforcement officers, I have learned the following about the identification of JAMES KELLY, a/k/a "Ls," the defendant:

a. Prior to the December 3, 2018 transaction, the UC was not familiar with KELLY who only identified himself to the UC as "Ls." After completing the December 3, 2018 transaction,

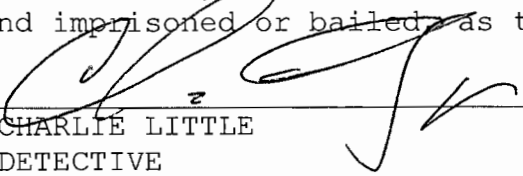
the UC viewed a book of photographs, which included a photograph of KELLY, and stated, in sum and substance, that there was a high probability that Ls, from whom the UC purchased crack cocaine, is KELLY.

b. After completing the December 18, 2018 transaction, the UC reviewed the book of photographs again and confirmed that KELLY is Ls, from whom the UC purchased crack cocaine.

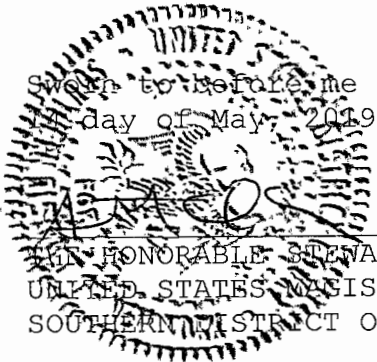
c. After December 18, 2018 but before January 7, 2019, the UC viewed another photograph of KELLY and confirmed that KELLY is Ls, from whom the UC purchased crack cocaine.

d. On or about January 7, 2019, the UC viewed an array of six photographs and identified KELLY as the individual from whom the UC had purchased crack cocaine.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of JAMES KELLY, a/k/a "Ls," the defendant, and that he be arrested and imprisoned or bailed as the case may be.


CHARLIE LITTLE
DETECTIVE

NEW YORK CITY POLICE DEPARTMENT


Sworn to before me this
day of May, 2019

THE HONORABLE STEWART D. AARON
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK